

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1025

Introduced by Assembly Member Conway

February 27, 2009

An act to amend Section 44258.7 of, and to add Section 49024 to, the Education Code, relating to school employees and volunteers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1025, as amended, Conway. Schools: employees and volunteers: Activity Supervisor Clearance Certificate.

Existing law permits qualified credential holders to coach in a competitive sport upon authorization by action of the local governing board, as specified.

This bill would require a noncertificated candidate, commencing on July 1, 2010, prior to assuming a paid or volunteer position to supervise, direct, or coach a pupil activity program sponsored by, or affiliated with, a school district, to obtain from the Commission on Teacher Credentialing an Activity Supervisor Clearance Certificate issued by the commission upon verification of the candidate's personal identification and verification that he or she meets specified requirements. The bill would require that each certificate be issued initially for a period of 5 years and *provide that it* may be renewed. The bill would also authorize the commission to establish a fee for the certificate.

This bill would also provide that if the denial of a license is due, at least in part, to the individual's state or federal criminal history record, the commission shall provide to the individual a copy of that criminal history record search response, in a manner that protects confidentiality and privacy, upon a written request to the commission for a copy, as specified. The bill would also provide that the criminal history record search response shall not be made available by the commission to any school district or county office of education but that the commission shall retain a copy of the request for a copy of the criminal history record and a copy of the response sent which shall be available to the Department of Justice and the Federal Bureau of Investigation, upon request of either agency.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44258.7 of the Education Code is
- 2 amended to read:
- 3 44258.7. (a) The holder of a standard secondary credential
- 4 who, prior to September 1, 1989, has taught successfully in a
- 5 subject within the department of his or her academic major or
- 6 minor for a minimum of three years, as verified by the employing
- 7 school district, may receive a supplementary authorization in that
- 8 subject upon application, payment of a fee, which shall not exceed
- 9 one-half of the regular credential fee, and evidence that one of the
- 10 following has been accomplished:
- 11 (1) Successful completion, by September 1, 1989, of a minimum
- 12 of 12 semester units, or six upper division or graduate units, of
- 13 coursework at an accredited institution in the subject.
- 14 (2) The securing of a passing score on an examination in the
- 15 subject approved by the Commission on Teacher Credentialing.
- 16 (3) Verification of competence in the subject matter by a subject
- 17 area specialist not associated with the employing school district.
- 18 (b) A person who holds a teaching credential in a subject or
- 19 subjects other than physical education may be authorized by action
- 20 of the local governing board to coach one period per day in a
- 21 competitive sport for which students receive physical education
- 22 credit, provided that he or she is a full-time employee of the school

1 district and has completed a minimum of 20 hours of first aid
2 instruction appropriate for the specific sport.

3 (c) A teacher employed on a full-time basis who teaches
4 kindergarten or any of grades 1 to 12, inclusive, and who has
5 special skills and preparation outside of his or her credential
6 authorization may, with his or her consent, be assigned to teach
7 an elective course in the area of the special skills or preparation ,
8 provided that the assignment is first approved by a committee on
9 assignments. For purposes of this subdivision an “elective course”
10 is a course other than English, mathematics, science, or social
11 studies. The membership of the committee on assignments shall
12 include an equal number of teachers, selected by teachers, and
13 school administrators, selected by school administrators.

14 (d) Assignments approved by the committee on assignments
15 shall be for a maximum of one school year, but may be extended
16 by action of the committee upon application by the schoolsite
17 administrator and the affected teacher. All initial assignments or
18 extensions shall be approved prior to the assignment or extension.
19 Districts making assignments under this subdivision shall submit
20 a plan to the county superintendent of schools which shall include,
21 but need not be limited to, the following:

22 (1) Statements signed by the district superintendent and the
23 president or chairperson of the district governing board, approving
24 the establishment of the committee.

25 (2) Procedures for selection of the committee membership.

26 (3) Terms of office for committee members.

27 (4) Criteria for determining teachers’ qualifications for these
28 assignments.

29 (e) The Commission on Teacher Credentialing may develop
30 and recommend general criteria that may be used by local
31 committees on assignment in assessing a candidate’s qualifications.

32 (f) (1) The commission shall issue an Activity Supervisor
33 Clearance Certificate to candidates serving in a position pursuant
34 to subdivision (a) of Section 49024 upon verification of the
35 candidate’s personal identification and verification that the
36 candidate meets all professional requirements pursuant to Sections
37 44339, 44340, and 44341. *Each certificate shall be issued initially*
38 *for a five-year period and may be renewed. The commission shall*
39 *establish a fee for the Activity Supervisor Clearance Certificate.*

1 (2) *If the denial of a license is due, at least in part, to the*
2 *individual's state or federal criminal history record, the*
3 *commission shall provide to the individual a copy of his or her*
4 *criminal history record search response if he or she makes a*
5 *written request to the commission for a copy, specifying an address*
6 *to which it is to be sent.*

7 (A) *The state or federal criminal history record search response*
8 *shall not be modified or altered in its form or content as provided*
9 *to the commission by the Department of Justice, unless required*
10 *by subparagraph (B).*

11 (B) *The criminal history record search response shall be*
12 *provided to the individual in a manner that protects the*
13 *confidentiality and privacy of the individual's criminal history*
14 *record and the criminal history record search response shall not*
15 *be made available by the commission to any school district or*
16 *county office of education.*

17 (C) *The commission shall retain a copy of the individual's*
18 *written request for a copy of his or her criminal history record*
19 *and a copy of the response sent, which shall include the date and*
20 *the address to which the response was sent. The commission shall*
21 *also make the information available to the Department of Justice*
22 *and the Federal Bureau of Investigation, upon request of either*
23 *agency.*

24 SEC. 2. Section 49024 is added to the Education Code, to read:

25 49024. (a) Prior to assuming a paid or volunteer position to
26 supervise, direct, or coach a pupil activity program sponsored by,
27 or affiliated with, a school district, all noncertificated candidates
28 shall obtain an Activity Supervisor Clearance Certificate from the
29 Commission on Teacher Credentialing pursuant to subdivision (f)
30 of Section 44258.7.

31 (b) A pupil activity program sponsored by, or affiliated with, a
32 school district includes, but is not limited to, scholastic programs,
33 interscholastic programs, and extra curricular activities sponsored
34 by a school district or school booster club, including, but not
35 limited to, cheer team, drill team, dance team, and marching band.

36 (c) Volunteer supervisors for breakfast, lunch, or other
37 nutritional periods pursuant to Sections 44814 and 44815, and
38 nonteaching volunteer aides under the immediate supervision and
39 direction of certificated personnel of the district pursuant to Section

1 35021, shall not be required to obtain an Activity Supervisor
2 Clearance Certificate.

3 ~~(d) Each certificate shall be issued initially for a five-year period~~
4 ~~and may be renewed. The commission shall establish a fee for the~~
5 ~~Activity Supervisor Clearance Certificate.~~

6 ~~(e)~~

7 (d) Candidates may be issued a temporary certificate in
8 accordance with Sections 44332 and 44332.5 while the application
9 is being processed.

10 ~~(f)~~

11 (e) This section shall become operative on July 1, 2010.

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